
Attorney Bill Olson authors a column for the Nebraska Lawyer Magazine called "Bar Bytes" which outlines technological innovations available to Nebraska lawyers. Following is an excerpt from the May 2008 "Bar Bytes" column written by Judge William Cassel of the Nebraska Court of Appeals. Judge Cassel is chairman of the Nebraska Supreme Court Technology Committee.

Electronic filing (e-filing) of documents with Nebraska trial courts has moved to a different web portal and now allows filings to be made without a separate fee for each filing. The new web site is located on the official Internet site for Nebraska state government, www.nebraska.gov.

The Nebraska Supreme Court's Technology Committee has worked with the State Court Administrator's office to analyze the results of the initial pilot e-filing project hosted by a commercial vendor and implemented in one district court (Lancaster County) and one county court (Sarpy County). The committee recognized two important results: (1) filings were successfully transmitted and incorporated into JUSTICE--the State's electronic case management system; and (2) in a voluntary system, keeping the perceived cost favorable, in comparison to paper filings, is critical to inducing practitioners to use the system. The committee and the administrative staff are striving to implement those lessons in the next phase of e-filing.

Before making a recommendation to the Supreme Court, the committee considered various options. Ultimately, the committee recommended, and the Court approved, the plan to build the State's own Internet-based web portal for e-filings in the Nebraska trial courts. The JUSTICE staff worked diligently with Nebraska.gov programmers to provide a smooth transition to the new system and an easy and intuitive interface for the users.

The committee also listened to the users regarding the cost of filings. Once a user has registered with Nebraska.gov, paid the annual subscriber fee of \$50, and acquired suitable computer hardware and software, there will be NO ADDITIONAL FEE to the user for making an e-filing. Thus, making an e-filing has no transaction cost to the user, which compares favorably to a paper filing, where some postage or other delivery cost is typically involved.

Most law offices now use some type of computer equipment and have access to the Internet. Any relatively recent version of the standard Internet-browsing software will be compatible with the Nebraska.gov web portal. To make an electronic filing, the user will need to generate an electronic image of the document using software capable of producing an image in Adobe portable document format (pdf). Such software can be obtained at a modest charge.

Users wishing to view documents or case filings through the Nebraska.gov portal must be Nebraska.gov subscribers. In addition, to view any or all of the documents in a particular case, the subscriber would pay a transaction fee of \$1 per case. The \$1 fee would enable the subscriber to view, save, or print any or all of the documents in the particular case. If the subscriber prefers a flat monthly fee rather than \$1 per case, Nebraska.gov provides a bulk rate of \$300 per month. The bulk rate is probably a more practical choice for larger law firms.

This new stage in e-filing is another important step toward realizing the committee's ultimate goal. When fully implemented, the committee envisions a totally electronic system in all Nebraska courts, including trial and appellate courts. The parties could submit their pleadings and other documents in electronic form. The electronic file would be instantly and constantly available to judges, court staff, attorneys, parties, and the general public. The record would also be preserved in electronic form. In the event of an appeal, the record (both the contents of the electronic file and the electronic trial record) would be transmitted to the appellate court electronically. Decisions would follow in electronic form, and mandates would be issued electronically from the higher court to the lower court. The committee expects attorneys and parties will find that e-filing is more convenient and efficient and less expensive than using paper documents.

Initially, the new web portal serves the trial courts that participated in the initial pilot project. The committee anticipates that the Supreme Court will wish to expand e-filing as quickly as possible. Other trial courts that are presently imaging or scanning documents into JUSTICE would be eligible to participate in e-filing. Currently, 37 district courts and 6 county courts are scanning documents into JUSTICE. The committee plans to encourage expansion of e-filing to those courts, as well as other courts qualifying to participate, in the near future.